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RELEASED IN FULL

Analyst: Date: 02/04/92 Time: 10:54:58

Distributed to:

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FBIS 106FEB04 (see 092feb04)

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Venezuela: Decree Issued Suspending Constitutional Guarantees

PA0402153792 Caracas Venezolana de Television Network in Spanish
1408 GMT 4 Feb 92

[Announcement by Minister Andres Eloy Blanco Iturbe of the
Central Office of Information; at the Miraflores Presidential Palace
in Caracas -- live]

[Text] The National Government has approved Decree No. 2086. As
you all know, once this decree is published in the Official Gazette,
the National Government has up to 10 days to present it to the
National Congress, that is, the two chambers in a joint session.

Nonetheless, inasmuch as the National Congress has called for a
special session this afternoon, the interior minister will present
it today to the joint session of congress.

Decree 2086 issued on 4 February 1992:

Carlos Andres Perez, president of the Republic, empowered by
Paragraph Six of Article 190 of the Constitution and according to
Articles 241 and 242 [word indistinct], during a meeting of the
Council of Ministers:

Whereas, early this morning there was an attempted coup intended
to break the state of law and disrupt the constitutional order of
the Republic;

Whereas, it was sought in that criminal attempt to assassinate
the president of the Republic and commander in chief of the National
Armed Forces, thus attacking the achievements of the Venezuelan
people after more than three decades of democracy;

Whereas, it is the duty of the national executive to preserve
democracy and guarantee the normal development of the country's
institutional life;

Hereby decrees:

Article 1. The guarantees contained in Articles 60, Paragraphs
one, two, six, and 10; and Articles 62, 64, 66, 71, 92, and 115 of
the National Constitution are hereby suspended throughout the
national territory.

Article 2. This decree will be submitted for consideration by the
joint session of the Legislative Chambers within the next 10 days
following the publication of this decree.

Article 3. The ministers of the Cabinet are in charge of
implementing this decree.

Issued, signed, and sealed at the Miraflores Presidential Palace
on 4 February 1992.

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: ALAN H FLANIGAN
DATE/CASE ID: 08 JAN 2007 200503656

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Signed by Carlos Andres Perez, and endorsed by the ministers of the Executive Office.

Gentlemen of the media: The decree suspending the constitutional guarantees -- which I have just read and which was approved by the national government and issued by the president of the Republic -- refers to the following:

Article 60, Paragraph One of the Constitution concerns personal freedom; any citizen may be arrested without an arrest warrant.

Paragraph Two refers to the principle of penal legality; any person may be arrested, even if his behavior is not considered a crime or in violation of the law. Paragraph Six says that even after the

order to release has been issued, a citizen may still be detained.

Paragraph 10 says that the measures of social interest may be adopted at the discretion of the president; it concerns individuals who are considered dangerous and the possibility that the state may declare police measures to safeguard property, security, and public stability.

Article 62 of the Constitution concerns the inviolability of homes. During the suspension of constitutional guarantees, a home may be raided without the need for a court order.

Article 64 concerns freedom of transit throughout the national territory, which may be restricted.

Article 66 concerns freedom of expression and thought, which is hereby suspended or might be suspended for the sake of the public interest and for the reestablishment of constitutional order.

Article 71 concerns the right to assembly, which may be suspended.

Article 92 concerns the right to strike, which is suspended.

Article 115 concerns the right to hold public demonstrations, which is suspended. That is all.

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